IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1930.

No. 618.

THE UNITED STATES OF AMERICA EX RELATIONE ETHEL M. McLENNAN, *Petitioner,*

vs.

RAY LYMAN WILBUR, SECRETARY OF THE INTERIOR, *Respondent.*

BRIEF OF THE ATTORNEY GENERAL OF UTAH AS AMICUS CURIAE.

I.

PRELIMINARY STATEMENT.

The State of Utah under Section 35 of the Leasing Act is entitled to receive 37½ per centum of the royalties accruing to the Government from production of oil and gas on public lands within the state, such money to be used for the construction and maintenance of public roads, the support of public schools or public educational institutions, as the Legislature of Utah may direct.

Since the passage of the Act of February 25, 1920, and up to June 30, 1930, there has been paid to the State of Utah, from royalties received on account of oil and gas, the sum of $12,756.47.

The total receipts to the Government on account of oil and gas under the Leasing Act from its passage to June 30, 1930, amounted to $33,942.94.

There are within the State of Utah, in excess of 23,881,445 acres of vacant public lands to which the act of Feb. 25, 1920, is applicable.

Less than 3 per cent of the oil produced in the United States is produced in the so-called Rocky Mountain States. It is readily observed that no question of conservation is involved in the suspension of the Leasing Bill by the Secretary of the Interior.

Revenue Derived from Taxes on Tangible Property Within Utah Used in Operations Under Permits Authorized by the Leasing Bill.

It is estimated that in conducting operations under permits and leases on the public lands, permittees, lessees and operators have expended approximately five million dollars. The majority of this vast amount of money has been invested in property used in drilling operations. Such property is subject to tax by the state and produces revenue. The change in policy in the matter of issuing oil and gas permits has resulted in a burden to Utah, because of the loss of revenue from such taxable property.

Employment.

Operations conducted under permits and leases issued under the Leasing Act, provide employment for

in the premises as to this Honorable Court may seem meet and just.

GEORGE P. PARKER,
Attorney General of the State of Utah,
as amicus curiae.

Counsel:
PETER Q. NYCE.